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PAG LIN
                                                                  HOUSE FILE 789
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                                             AN ACT
      4 RELATING TO PROGRAMS AND FUNCTIONS UNDER THE PURVIEW OF THE
            IOWA DEPARTMENT OF PUBLIC HEALTH.
  1
      7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
  1
             Section 1. Section 29C.20, subsection 1, paragraph a,
  1 10 subparagraph (5), Code 2005, is amended to read as follows:
1 11 (5) Paying the expenses incurred by and claims of an urban
  1 12 search and rescue team when acting under the authority of the
  1 13
         administrator and the provisions of section 29C.6 and disaster
  1 14 medical assistance teams public health response teams when 1 15 acting under the provisions of section 135.143.
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            Sec. 2. Section 135.11, subsection 16, Code 2005, is
  1 17 amended to read as follows:
1 18    16. Administer the statewide public health nursing,
  1 19 homemaker=home health aide, and senior health programs by 1 20 approving grants of state funds to the local boards of health
  1 21 and the county boards of supervisors and by providing 1 22 guidelines for the approval of the grants and allocation of
  1 23 the state funds. Program direction, evaluation requirements,
  1 24 and formula allocation procedures for each of the programs 1 25 shall be established by the department by rule, consistent
    26 with 1997 Iowa Acts, chapter 203, section 5.
  1 27
            Sec. 3. Section 135.11, Code 2005, is amended by adding
  1 28 the following new subsection:
            NEW SUBSECTION. 30. Establish and administer, if
  1 30 sufficient funds are available to the department, a program to
     31 assess and forecast health workforce supply and demand in the
  1 32 state for the purpose of identifying current and projected
  1 33 workforce needs. The program may collect, analyze, and report 1 34 data that furthers the purpose of the program. The program 1 35 shall not release information that permits identification of
     1 individual respondents of program surveys.
      2 Sec. 4. Section 135.22A, subsection 7, Code 2005, is 3 amended to read as follows:
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          7. The department is designated as Iowa's lead agency for
      5 brain injury. For the purposes of this section, the 6 designation of lead agency authorizes the department to 7 perform or oversee the performance of those functions
    8 specified in subsection 6, paragraphs "a" through "c"
      9 council is assigned to the department for administrative
  2 10 purposes. The director shall be responsible for budgeting,
  2 11 program coordination, and related management functions.
  2 12 Sec. 5. Section 135.107, subsection 1, Code 2005, is 2 13 amended by adding the following new unnumbered paragraph:
            NEW UNNUMBERED PARAGRAPH. A simple majority of the
  2 15 membership of the advisory committee shall constitute a
  2 16 quorum. Action may be taken by the affirmative vote of a 2 17 majority of the advisory committee membership.
             Sec. 6. Section 135.140, subsection 5, Code 2005, is
  2 18
  2 19 amended to read as follows:
        5. <u>"Disaster medical assistance team" or "DMAT" "Public health response team"</u> means a team of professionals, including
  2 20
  2 22 licensed health care providers, nonmedical professionals
  2 23 skilled and trained in disaster or emergency response, and
  2 24 public health practitioners, which is sponsored by a hospital
  2 25 or other entity and approved by the department to provide
     26 disaster medical assistance in the event of a disaster or
     27 threatened disaster.
            Sec. 7. Section 135.140, subsection 6, Code 2005, is
  2 29 amended to read as follows:
  2 30
             6. "Division" means the division of epidemiology,
         emergency medical services, and disaster operations acute
     31
     32 disease prevention and emergency response of the department.
  2 33 Sec. 8. Section 135.141, subsection 1, Code 2005, is 2 34 amended to read as follows:
           1. A division of epidemiology, emergency medical services,
      1 and disaster operations acute disease prevention and emergency 2 response is established within the department. The division
     3 shall coordinate the administration of this division of this
  3 4 chapter with other administrative divisions of the department
3 5 and with federal, state, and local agencies and officials.
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Sec. 9. Section 135.143, Code 2005, is amended to read as 7 follows:

8 DISASTER MEDICAL ASSISTANCE TEAMS PUBLIC HEALTH 135.143 RESPONSE TEAMS.

- 3 10 1. The department shall approve disaster medical 3 11 assistance <u>public health response</u> teams to supplement and 3 12 support disrupted or overburdened local medical and public 3 13 health personnel, hospitals, and resources at or near the site 3 14 of a disaster or threatened disaster by providing direct 3 15 medical care to victims or by providing other support 16 services. Assistance shall be rendered under the following 3 17 circumstances:
- 3 18 a. At or near the site of a disaster or threatened 19 disaster by providing direct medical care to victims or 3 20 providing other support services.
- b. If local medical or public health personnel or hospitals request the assistance of a public health response 23 team to provide direct medical care to victims or to provide 24 other support services in relation to any of the following incidents:
- (1) During an incident resulting from a novel or previously controlled or eradicated infectious agent, 3 28 or biological toxin.
- 29 (2) After a chemical attack or accidental chemical 30 <u>release.</u>
- 3 31 (3) After an intentional or accidental release of radioactive material.

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- 3 33 (4) In response to a nuclear or radiological attack or 34 accident
- 3 35 (5) Where an incident poses a high probability of a large number of deaths or long-term disabilities in the affected population.
- 2. A member of a disaster medical assistance public health response team acting pursuant to this division of this chapter 5 shall be considered an employee of the state under section 6 29C.21 and chapter 669, shall be afforded protection as an 7 employee of the state under section 669.21, and shall be 8 considered an employee of the state for purposes of workers' 9 compensation, disability, and death benefits, provided that 4 10 the member has done all of the following:
- a. Registered with and received approval to serve on a 4 12 disaster medical assistance public health response team from 4 13 the department.
- 4 14 b. Provided direct medical care to a victim of a disaster or provided other support services during a disaster or other 16 support services during a disaster, threatened disaster, or 17 other incident described in subsection 1; or participated in a training exercise to prepare for a disaster or other incident 4 19 described in subsection 1
- 4 20 3. The department shall provide the department of 4 21 administrative services with a list of individuals who have 4 22 registered with and received approval from the department to 4 23 serve on a disaster medical assistance public health response 4 24 team. The department shall update the list on a quarterly 4 25 basis, or as necessary for the department of administrative 4 26 services to determine eligibility for coverage.
- 4. Upon notification of a compensable loss, the department 28 of administrative services shall seek funding from the 29 executive council for those costs associated with covered 4 30 workers' compensation benefits.
 - 31 Sec. 10. <u>NEW SECTION</u>. 13 32 DEPARTMENT ORDER == IMMUNITY. 139A.8A VACCINE SHORTAGE ==
- 1. In the event of a shortage of a vaccine, or in the 4 33 34 event a vaccine shortage is imminent, the department may issue 35 an order controlling, restricting, or otherwise regulating the 1 distribution and administration of the vaccine. The order may 2 designate groups of persons which shall receive priority in 3 administration of the vaccine and may prohibit vaccination of 4 persons who are not included in a priority designation. The 5 order shall include an effective date, which may be amended or 6 rescinded only through a written order of the department. 7 order shall be applicable to health care providers, hospitals, 8 clinics, pharmacies, health care facilities, local boards of 9 health, public health agencies, and other persons or entities
- 10 that distribute or administer vaccines.
 11 2. A health care provider, hospital, clinic, pharmacy 12 health care facility, local board of health, public health 13 agency, or other person or entity that distributes or 14 administers vaccines shall not be civilly liable in any action 5 15 based on a failure or refusal to distribute or administer a

5 16 vaccine to any person if the failure or refusal to distribute

5 17 or administer the vaccine was consistent with a department 5 18 order issued pursuant to this section. 5 19 3. T 5 20 section. The department shall adopt rules to administer this 5 21 Sec. 11. Section 142C.15, subsection 4, paragraph a, Code 5 22 2005, is amended to read as follows: 23 a. Not more than twenty percent of the moneys in the fund 24 annually may be expended in the form of grants to state 5 25 agencies or to nonprofit legal entities with an interest in 5 26 anatomical gift public awareness and transplantation to 27 conduct public awareness projects or to research and develop a 28 statewide organ and tissue donor registry. Moneys remaining 5 29 that were not requested and awarded for public awareness 30 projects may be used for research, or to develop and support a 31 statewide organ and tissue donor registry. Grants shall be 5 32 made based upon the submission of a grant application by an 5 33 agency or entity to conduct a public awareness project or to 5 34 research, and develop, and support a statewide organ and 5 35 tissue donor registry. 6 Sec. 12. Section 144.23, subsection 1, Code 2005, is 6 2 amended to read as follows: 6 1. An adoption certificate <u>report</u> as provided in section 4 144.19, or a certified copy of the decree of adoption together 6 6 5 with the information necessary to identify the original 6 6 certificate of birth and to establish a new certificate of 7 birth; except that a new certificate of birth shall not be 8 established if so requested by the court decreeing the 9 adoption, the adoptive parents, or the adopted person.
10 Sec. 13. Section 144.40, Code 2005, is amended to read as 6 10 6 11 follows: 6 12 144.40 PATERNITY OF CHILDREN == BIRTH CERTIFICATES. 6 13 Upon request and receipt of an affidavit of paternity 6 14 completed and filed pursuant to section 252A.3A, or a 6 15 certified copy or notification by the clerk of court of a 6 16 court or administrative order establishing paternity, the 6 17 state registrar shall amend establish a new certificate of 6 18 birth to show paternity if paternity is not shown on the birth 6 19 certificate. Upon written request of the parents on the 6 20 affidavit of paternity, the surname of the child may be 6 21 changed on the certificate to that of the father. The 6 22 certificate shall not be marked "amended". The original certificate and supporting documentation shall be maintained 6 24 in a sealed file; however, a photocopy of the paternity 25 affidavit filed pursuant to section 252A.3A and clearly 26 labeled as a copy may be provided to a parent named on the 6 27 affidavit of paternity Sec. 14. Section 148.12, Code 2005, is amended to read as 6 28 6 29 follows: 6 30 VOLUNTARY AGREEMENTS. 148.12 The medical examiners, after due notice and hearing, may 6 32 issue an order to revoke, suspend, or restrict a license to 33 practice medicine and surgery, osteopathic medicine and 34 surgery, or osteopathy, or to issue a restricted license on 6 6 35 application if the medical examiners determine that a 7 1 physician licensed to practice medicine and surgery, 1 physician licensed to practice medicine and surgery, 2 osteopathic medicine and surgery, or osteopathy, or an 7 3 applicant for licensure has entered into a voluntary agreement 4 to restrict the practice of medicine and surgery, osteopathic 5 medicine and surgery, or osteopathy in another state, 6 district, territory, or country, or an agency of the federal 7 government. A certified copy of the voluntary agreement shall 8 be considered prima facie evidence. Sec. 15. Section 152B.5, Code 2005, is amended to read as 7 10 follows: 11 152B.5 RESPIRATORY CARE STUDENTS. Respiratory care services may be rendered by a student 7 13 enrolled in a respiratory therapy training program when these 7 14 services are incidental to the student's course of study. 7 15 A student enrolled in a respiratory therapy training 7 16 program who is employed in an organized health care system may 17 render services defined in sections 152B.2 and 152B.3 under 7 18 the direct and immediate supervision of a respiratory care 7 19 practitioner for a limited period of time as determined by 7 20 rule. The student shall be identified as a "student 21 respiratory care practitioner". 22 A graduate of an approved respiratory care training program 7 23 employed in an organized health care system may render 24 services as defined in sections 152B.2 and 152B.3 under the 7 25 direct and immediate supervision of a respiratory care 7 26 practitioner for one year. The graduate shall be identified 7 27 as a "respiratory care practitioner=licensure applicant".

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           Sec. 16. Section 152B.14, Code 2005, is amended to read as
  7 29 follows:
                     LICENSURE THROUGH PRIOR EXAMINATION OR PRACTICE.
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           152B.14
           1. The board shall issue a license to practice respiratory
  7 32 care to an applicant who, on July 1, 1996, has passed an
  7 33 examination administered by the state or a national agency
    34 approved by the board.
  7 35
           2. Other applicants who have not passed these examinations
8 1 or their equivalent on July 1, 1996, and who, through will a 2 evidence, verified by oath, demonstrate that they are 8 3 presently functioning in the capacity of a respiratory care a specific of the chapter. Shall be given a
     1 or their equivalent on July 1, 1996, and who, through written
    4 practitioner as defined by this chapter, shall be given a
    5 temporary license to practice respiratory care for a period of
  8 6 thirty-six months from July 1, 1996. Such applicants must
  8 7 pass a licensure examination administered or approved by the
  8 8 board within thirty=six months after July 1, 1996, in order to
  8 9 continue to practice respiratory care.
  8 10 Sec. 17. Section 154D.2, subsection 1, paragraph b, Code 8 11 2005, is amended to read as follows:
  8 12
           b. Has at least two years of supervised clinical
  8 13 experience or its equivalent as approved by the board in
    14 consultation with the mental health, mental retardation,
  8 15 developmental disabilities, and brain injury commission 8 16 created in section 225C.5. Standards for supervision,
  8 16 created in section 225C.5. Standards for supervision, 8 17 including the required qualifications for supervisors, shall
  8 18 be determined by the board by rule.

8 19 Sec. 18. Section 154D.2, subsection 2, paragraph b, Code
8 20 2005, is amended to read as follows:
8 21 b. Has at least two years of <u>supervised</u> clinical

  8 22 experience, supervised by a licensee, in assessing mental
  8 23 health needs and problems and in providing appropriate mental
  8 24 health services as approved by the board of behavioral science
  8 25 examiners in consultation with the mental health, mental
  8 26 retardation, developmental disabilities, and brain injury
  8 27 commission created in section 225C.5. Standards for
  8 28 supervision, including the required qualifications for
  8 29 supervisors, shall be determined by the board by rule.
8 30 Sec. 19. Section 156.4, subsection 4, Code 2005, is
  8 31 amended to read as follows:
           4. Written examinations for a funeral director's license
  8 32
    33 shall be held at least once a year at a time and place to be
    34 designated by the board. The examination Applicants shall
  8 35 pass an examination prescribed by the board, which shall
        include the subjects of funeral directing, burial or other
     2 disposition of dead human bodies, sanitary science, embalming, 3 restorative art, anatomy, public health, transportation,
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     4 business ethics, and such other subjects as the board may
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     5 designate.
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                       Section 157.1, subsection 12, paragraph c, Code
           Sec. 20.
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     7
        2005, is amended to read as follows:
           c. Removing superfluous hair from the body of a person by
   9 the use of depilatories, waxing, sugaring, tweezers, or use of 10 any certified laser products or intense pulsed light devices.
  9
  9 11 This excludes the practice of electrology, whereby hair is
  9 12 removed with an electric needle.
  9 13
           Sec. 21. Section 157.1, subsection 14, Code 2005, is
  9 14 amended to read as follows:
  9 15
           14. "General supervision" means the supervising physician
  9 16 is not onsite for laser procedures or use of an intense pulsed
        light device for hair removal conducted on minors, but is
  9
    18 available for direct communication, either in person or by
  9 19 telephone, radio, radiotelephone, television, or similar
  9 20 means.
  9 21
           Sec. 22. Section 157.1, Code 2005, is amended by adding
  9 22 the following new subsection:
           NEW SUBSECTION. 15A. "Intense pulsed light device" means
  9 23
  9 24 a device that uses incoherent light to destroy the vein of the
  9
    25 hair bulb.
  9 26
                      Section 157.2, Code 2005, is amended by adding
           Sec. 23.
    27 the following new subsection:
  9 28
           NEW SUBSECTION. 5. Persons licensed under this chapter
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    29 shall only use intense pulsed light devices for purposes of
  9 30 hair removal.
  9 31
           Sec. 24. Section 157.3, subsection 1, Code 2005, is
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    32 amended to read as follows:
  9 33
          1. An applicant who has graduated from high school or its
    34 equivalent shall be issued a license to practice any of the
    35 cosmetology arts and sciences by the department when the
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        applicant satisfies all of the following:
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          a. Presents to the department a high school diploma or its
10 3 equivalent.
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4 b. a. Presents to the department a diploma, or similar 5 evidence, issued by a licensed school of cosmetology arts and 10 10 6 sciences indicating that the applicant has completed the course of study for the appropriate practice of the 10 8 cosmetology arts and sciences prescribed by the board. An 10 10 9 applicant may satisfy this requirement upon presenting a 10 10 diploma or similar evidence issued by a school in another 10 11 state, recognized by the board, which provides instruction 10 12 regarding the practice for which licensure is sought, provided 10 13 that the course of study is equivalent to or greater in length 10 14 and scope than that required for a school in this state, and is approved by the board. 10 15 10 16 c. b. Completes the application form prescribed by the 10 17 board. 10 18 Passes an examination prescribed by the board. d. 10 19 examination may include both practical demonstrations and 10 20 written or oral tests and shall not be confined to any 10 21 specific system or method. However, a member of the board who 10 22 is a licensed instructor of cosmetology arts and sciences 10 23 shall not be involved in the selection or administration of 10 24 the exam. 10 25 Sec. 25. Section 157.3A, subsection 1, paragraph a, Code 2005, is amended to read as follows: 10 26 10 27 a. A licensed esthetician, who intends to provide services 10 28 pursuant to section 157.1, subsection 12, paragraphs "a" 10 29 "c", having received additional training on the use of 10 30 microdermabrasion, or a certified laser product, or an intense 10 31 pulsed light device, shall submit a written application and 10 32 proof of additional training and certification for approval by 10 33 the board. Training shall be specific to the service provided 10 34 or certified laser product used.
10 35 Sec. 26. Section 157.3A, subsection 2, paragraph a, Code
11 1 2005, is amended to read as follows: 11 a. A licensed cosmetologist having received additional 3 training in the use of chemical peels, microdermabrasion, or a 11 4 certified laser product, or an intense pulsed light device for 11 <u>11</u> 11 5 hair removal shall submit a written application and proof of 6 additional training and certification for approval by the 7 board. A cosmetologist who is licensed after July 1, 2005, 11 11 8 shall not be eligible to provide chemical peels, practice 11 9 microdermabrasion procedures, or use certified laser products_ <u>11 10</u> 11 11 or use an intense pulsed light device for hair Sec. 27. Section 157.3A, subsection 3, Code 2005, is 11 12 amended to read as follows: 11 13 3. A licensed electrologist having received additional 11 14 training on the use of a certified laser product or an intense 11 15 pulsed light device for the purpose of hair removal shall 11 16 submit a written application and proof of additional training 11 17 and certification for approval by the board. 11 18 Sec. 28. Section 157.3A, subsection 4, Code 2005, is 11 19 amended to read as follows: 11 20 4. Any additional train 4. Any additional training received by a licensed 11 21 esthetician, cosmetologist, or electrologist and submitted to 11 22 the board relating to utilization of a certified laser product 11 23 or an intense pulsed light device shall include a safety 11 24 training component which provides a thorough understanding of 11 25 the procedures being performed. The training program shall 11 26 address fundamentals of nonbeam hazards, management and 11 27 employee responsibilities relating to control measures, and 11 28 regulatory requirements. 11 29 Sec. 29. Section 157.4, Code 2005, is amended to read as 11 30 follows: 157.4 TEMPORARY PERMITS. 11 31 11 32 1. A person who completes the requirements for licensure 11 33 listed in section 157.3, except for the examination, shall be -11 34 known as a trainee and shall be issued a temporary permit by 11 35 the department which allows the applicant to practice in the -12 1 cosmetology arts and sciences from the date of application -12 2 until passage of the examination subject to this subsection. - 3 An applicant shall take the first available examination $-\frac{12}{1}$ -12 4 administered by the board, and may retain the temporary permit 12 5 if the applicant does not pass the examination. An applicant -12 6 who does not pass the first examination shall take the next 7 available examination administered by the board. The $\frac{-12}{}$ -128 temporary permit of an applicant who does not pass the second 9 examination shall be revoked. An applicant who passes either $\frac{-12}{}$ -12 10 examination shall be issued a license pursuant to section 12 11 157.3. The board shall adopt rules providing for a waiver of $\frac{-12}{}$ 12 the requirement to take the first available examination for 12 13 good cause.

2. The department may issue a temporary permit for the

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12 15 purpose of demonstrating cosmetology arts and sciences upon
12 16 recommendation of the board.
 12 17
                The department may issue a temporary permit which
 12 18 allows the applicant to practice in the cosmetology arts and 12 19 sciences for purposes determined by rule. The board shall
 12 20 determine and state its recommendations and the length of time
 12 21 the temporary permit issued under this subsection is valid.
 12 22
                2. The fee for a temporary permit shall be established
 12 23 by the board as provided in section 147.80.
 12 24 Sec. 30. Section 157.5, subsection 1, unnumbered paragraph 12 25 1, Code 2005, is amended to read as follows:
           A licensed cosmetologist, esthetician, or electrologist who
 12 26
 12 27 provides services relating to the use of a certified laser
 12 28 product, <u>intense pulsed light device for hair removal</u>,
12 29 chemical peel, or microdermabrasion, shall obtain a consent in
 12 30 writing prior to the administration of the services.
12 31 consent in writing shall create a presumption that informed 12 32 consent was given if the consent:
           Sec. 31. Section 157.5, subsection 2, Code 2005, is
 12 33
 12 34 amended to read as follows:
 12 35
           2. A licensed cosmetologist, esthetician, or electrologist
     1 who provides services related to the use of a certified laser
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     2 product, <u>intense pulsed light device for hair removal.</u>
3 chemical peel, or microdermabrasion, shall submit a report to 4 the board within thirty days of any incident involving the
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     5 provision of such services which results in physical injury
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     6 requiring medical attention. Failure to comply with this
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        section shall result in disciplinary action being taken by the
     8 board.
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                       Section 157.12A, Code 2005, is amended to read as
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     9
           Sec. 32.
 13 10 follows:
 13 11
           157.12A
                     USE OF LASER OR LIGHT PRODUCTS ON MINORS.
           A laser hair removal product or device, or intense pulsed
 13 12
        light device, shall not be used on a minor unless the minor is
 13 14 accompanied by a parent or guardian and only under the general
 13 15 supervision of a physician.
           Sec. 33. Section 157.13, subsection 1, Code 2005, is
 13 16
 13 17 amended to read as follows:
 13 18
           1. It is unlawful for a person to employ an individual to
 13 19 practice cosmetology arts and sciences unless that individual
 13 20 is licensed or has obtained a temporary permit under this
 13 21 chapter. It is unlawful for a licensee to practice with or
 13 22 without compensation in any place other than a licensed salon,
 13 23 a licensed school of cosmetology arts and sciences, or a
 13 24
        licensed barbershop as defined in section 158.1, except that a
 13 25 licensee may practice at a location which is not a licensed
 13 26 salon or school of cosmetology arts and sciences under
 13
    27 extenuating circumstances arising from physical or mental
 13 28 disability or death of a customer, or when a temporary permit
    29 has been approved by the board. It is unlawful for a licensee 30 to claim to be a licensed barber, but it is lawful for a
 13
        licensed cosmetologist to work in a licensed barbershop.
 13 32 is unlawful for a person to employ a licensed cosmetologist,
 13 33 esthetician, or electrologist to perform the services
 13 34 described in section 157.3A if the licensee has not received
13 35 the additional training and met the other requirements
14
        specified in section 157.3A.
        Sec. 34. Section 233.2, subsection 2, paragraph c, Code 2005, is amended to read as follows:
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           c. The If the name of the parent is unknown to the
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     5 institutional health facility, the individual on duty or other 6 person designated by the institutional health facility at
     7 which physical custody of the newborn infant was relinquished
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     8 shall submit the certificate of birth report as required
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    9 pursuant to section 144.14. <u>If the name of the parent is</u> 10 disclosed to the institutional health facility, the facility
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14 11 shall submit the certificate of birth report as required
    12 pursuant to section 144.13. The department of public health 13 shall not file the certificate of birth with the county of
14 14 birth and shall otherwise maintain the confidentiality of the
14 15 birth certificate in accordance with section 144.43.
        Sec. 35. Section 272C.4, unnumbered paragraph 2, Code 2005, is amended to read as follows:
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           Insurance carriers which insure professional and
 14 19 occupational licensees for acts or omissions that constitute
 14 20 negligence, careless acts, or omissions in the practice of a
 14 21 profession or occupation shall file reports with the
 14 22 appropriate licensing board. The reports shall include
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        information pertaining to claims any lawsuit filed against a
 14 24 licensee which may affect the licensee as defined by rule,
 14 25 involving an insured of the insurer.
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Sec. 36. Section 272C.9, subsection 1, Code 2005, is 14 27 amended to read as follows:

1. Each licensee of a licensing board, as a condition of 14 28 14 29 licensure, is under a duty to submit to a physical, or mental, 14 30 or clinical competency examination when directed in writing by 14 31 the board for cause. All objections shall be waived as to the 14 32 admissibility of the examining physician's testimony or 14 33 reports on the grounds of privileged communications. 14 34 medical testimony or report shall not be used against the 14 35 licensee in any proceeding other than one relating to licensee 1 discipline by the board, or one commenced in district court 2 for revocation of the licensee's privileges. The licensing 3 board, upon probable cause, shall have the authority to order 4 <u>a physical</u>, or mental, or clinical competency examination, and 5 upon refusal of the licensee to submit to the examination the 6 licensing board may order that the allegations pursuant to 7 which the order of physical, or mental, or clinical competency 8 examination was made shall be taken to be established.

Sec. 37. Section 331.805, subsection 1, Code 2005, is

15 10 amended to read as follows:

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15 11 When a death occurs in the manner specified in section 1. 15 12 331.802, subsection 3, the body, clothing, and any articles 13 upon or near the body shall not be disturbed or removed from 15 14 the position in which it is found, and physical or biological 15 evidence shall not be obtained or collected from the body, 15 16 without authorization from the county medical examiner or the 15 17 state medical examiner except for the purpose of preserving 15 18 the body from loss or destruction or permitting the passage of 15 19 traffic on a highway, railroad or airport, or unless the 15 20 failure to immediately remove the body might endanger life, 15 21 safety, or health. A person who moves, disturbs, or conceals 15 22 a body, clothing, or any articles upon or near the body or who 15 23 obtains or collects physical or biological evidence in 15 24 violation of this subsection or chapter 691 is guilty of a 15 25 simple misdemeanor.

Sec. 38. Section 691.6, Code 2005, is amended by adding

15 27 the following new subsection:

NEW SUBSECTION. 7. To perform an autopsy or order that an 15 29 autopsy be performed if required or authorized by section 15 30 331.802 or by rule. If the state medical examiner assumes 15 31 jurisdiction over a body for purposes of performing an autopsy 15 32 required or authorized by section 331.802 or by rule under 15 33 this section, the body or its effects shall not be disturbed, 15 34 withheld from the custody of the state medical examiner, or 15 35 removed from the custody of the state medical examiner without authorization from the state medical examiner.

Sec. 39. Sections 135.45 through 135.48 and section 142A.11, Code 2005, are repealed.
Sec. 40. RESPONSE TEAM TASK FORCE. The department shall 5 establish a task force to study the current and future 6 capacity of the public health workforce to respond to bioterrorism, emerging infectious diseases, and other public 8 health threats and emergencies. The task force shall examine 9 the concept of developing and implementing regional response 16 10 teams which will include members from local, regional, and 16 11 state agencies and organizations. The task force shall submit 16 12 a report to the department, the governor, and the general 16 13 assembly by July 1, 2006, which shall include the findings and 16 14 recommendations of the task force, including a proposed budget 16 15 necessary for sustaining public health workforce teams. 16 16 force members shall be appointed by the director and shall 16 17 include representatives from local public health agencies, 16 18 hospitals, emergency medical care providers and programs, the 16 19 department, and other stakeholders. Appointments to the task 16 20 force shall not be subject to the requirements of sections 16 21 69.16 and 69.16A.

> CHRISTOPHER C. RANTS Speaker of the House

JOHN P. KIBBIE President of the Senate

I hereby certify that this bill originated in the House and is known as House File 789, Eighty=first General Assembly.

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17	3				MARGAF	RET THO	MSON		
17	4				Chief	Clerk	of the	House	
17	5	Approved _		 2005					
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17	9	THOMAS J.	VILSACK						
17	10	Governor							